

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Snelson.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 225 - by Doggett: Extending welcome to Pastor John W. Auer.

S.R. 226 - by Adams: Extending congratulations to Howard Rusk.

S.R. 227 - by Clower: Extending welcome to Tom Landrum.

S.R. 228 - by Clower: Extending welcome to Ms. Jolene Dugan.

S.R. 229 - by Schwartz: Extending welcome to Sam Boyd, Jr.

ADJOURNMENT

On motion of Senator Aikin the Senate at 12:09 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

(February 21, 1977)

S.B. 324

TWENTY-THIRD DAY

(Tuesday, February 22, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Absent-excused: Clower, Moore.

A quorum was announced present.

The Reverend Don Duval, First Baptist Church, Dripping Springs, Texas, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Clower was granted leave of absence for today on account of important business on motion of Senator Mauzy.

Senator Moore was granted leave of absence for today on account of illness on motion of Senator Creighton.

REPORTS OF STANDING COMMITTEES

Senator Kothmann, Vice-Chairman, submitted the following report for the Committee on State Affairs:

S.B. 472

S.B. 473

S.B. 543 (Amended)

Senator Moore submitted the following report for the Committee on State Affairs:

S.B. 474

Senator Kothmann, Vice-Chairman, submitted the following report for the Committee on State Affairs:

C.S.S.B. 559 (Read first time)

Senator Brooks submitted the following report for the Committee on Human Resources:

S.B. 317

S.B. 484

C.S.S.B. 495 (Read first time)

C.S.S.B. 390 (Read first time)

S.B. 258

Senator Braecklein, Vice-Chairman, submitted the following report for the Committee on Human Resources:

S.B. 548

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 677 by Andujar

Jurisprudence

Providing for the establishment of a criminal history record system within the Texas Department of Public Safety; providing for the mandatory reporting of criminal history record information; providing for the preparation of uniform crime reports; authorizing the sale of certain criminal information; establishing an offense for misuse of criminal history information and establishing a penalty; providing for the correction of criminal history records; restricting criminal investigative information available to the public; providing for the dissemination of criminal information for law enforcement agencies; providing for the disposition of fees; and declaring an emergency.

S.B. 678 by Andujar

Economic Development

Relating to the Private Investigators and Private Security Agencies Act (codified as Article 4413(29bb), Vernon's Texas Civil Statutes); membership on the Texas Board of Private Investigators and Private Security Agencies; amending Section 5 of Article 4413(29bb), Vernon's Texas Civil Statutes; and declaring an emergency.

S.B. 679 by Moore

Finance

Making supplemental appropriations to the Texas Department of Corrections.

S.B. 680 by Jones of Harris

State Affairs

Relating to the improvement of understanding of state government in secondary school students.

S.B. 681 by Ogg

Jurisprudence

Relating to the requirement for an indictment in felony cases, amending Article 1.05, Code of Criminal Procedure, 1965, and repealing Article 1.141, Code of Criminal Procedure, 1965.

S.B. 682 by Aikin

Intergovernmental Relations

Relating to the compensation of the county attorney or criminal district attorney in certain counties; amending Article 332b-1, Revised Civil Statutes of Texas, 1925.

S.B. 683 by Brooks

Human Resources

Relating to the regulation of certain child care facilities operated in connection with churches or other religious organizations; exempting from certain provisions of the Child Care Licensing Act certain schools or classes for religious instruction by churches or other religious institutions; amending Subsection (b) of Section 1, Subsection (b) of Section 5, and Subsection (e) of Section 19, Child Care Licensing Act (Article 695a-3, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 684 by Brooks

Intergovernmental Relations

Relating to the sale of municipal utility systems in cities having a population of more than 1,200,000 according to the last preceding federal census; amending Article 1112, Vernon's Texas Civil Statutes, as amended; and declaring an emergency.

S.B. 685 by Harris

Economic Development

Amending Chapter 1, Subtitle 1, Title 79, Revised Civil Statutes of Texas, 1925 (Articles 5609-1.01 to 1.06, Vernon's Texas Civil Statutes), by adding thereto a new article to be identified and codified as Article 5069-1.08, relative to obligations guaranteed or insured by agencies of the United States of America; containing a savings clause and declaring an emergency.

S.B. 686 by Truan State Affairs
Relating to the rights of employees of the State of Texas and its political subdivisions.

S.B. 687 by Truan State Affairs
Relating to use of municipal funds by an incorporated city or town to influence legislation; adding Section 10A to Chapter 422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252-9c, Vernon's Texas Civil Statutes).

S.B. 688 by Harris Economic Development
An Act to Amend Article 21.49-1 of the Insurance Code, as enacted by the 62nd Legislature, Acts 1971, page 1334, Chapter 356, known as the Insurance Holding Company System Regulatory Act; and declaring an emergency.

S.B. 689 by Harris Economic Development
To Amend Section 7 of Article 21.25 and Section 1 of Article 21.26, Insurance Code of Texas, as amended by the 57th Legislature, Acts 1961, p. 593, Ch. 284, to provide for the purchase of the stock of an insurance company for purposes of merger, consolidation or reinsurance agreements; and declaring an emergency.

S.B. 690 by Clower Jurisprudence
Relating to certain liability of a surety or a personal representative under the Texas Probate Code and approval of certain expenditures by the court; amending Subsection (d) of Section 5, Subsection (b) of Section 236, and Section 245, Texas Probate Code.

S.B. 691 by Hance Jurisprudence
Relating to the penalty for a felony of the first degree; amending Sections 12.32 and 12.42(c), Penal Code; amending Sections 3, 3a, 3d(a), and 15(a) and (b), Article 42.12, Code of Criminal Procedure, 1965, as amended.

S.C.R. 44 by McKnight Administration
Granting Winnwood Nursing Home, Inc., permission to sue the State of Texas.

S.C.R. 45 by Adams Administration
Requesting a study to determine whether the 1841 International Boundary Marker merits designation as a National Historic Landmark.

HOUSE BILL ON FIRST READING

The following bill received from the House was read the first time and referred to the Committee indicated:

H.B. 148, To Committee on Jurisprudence.

MESSAGE FROM THE HOUSE

House Chamber
February 22, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 39, Designating the week of March 7 through March 11 as official Public Schools Week.

S.C.R. 10, Inviting T. R. Fehrenbach to address Joint Session on Texas Independence Day, March 2, 1977.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

SENATE RESOLUTION 236

Senator Adams offered the following resolution:

WHEREAS, The day of February 22nd is a traditional birthdate of many distinguished Americans; and

WHEREAS, Our distinguished colleague from Edinburg celebrates his birthday on this day; and

WHEREAS, Raul Longoria attended the University of Texas and its School of Law; and

WHEREAS, He served with highest honor for ten years in the Texas House of Representatives as an effective and dedicated supporter of his native Rio Grande Valley through his work as Chairman of the Committee on Agriculture and his membership on the Appropriations Committee; and

WHEREAS, Raul Longoria was elected to represent the 27th Senatorial District in 1972, and has been a gracious, concerned and effective member of the Senate, earning the highest respect of his colleagues in the Senate and his constituents at home; and

WHEREAS, Senator Longoria's lovely and charming wife, Earlene, and his children Sam, Janiece, Roy, Elaine and Cecilia have been faithful supporters and loving family to Raul during his many years of outstanding public service to the people of Texas; now, therefore, be it

RESOLVED, That the Senate of Texas, 65th Legislature, hereby extend warmest birthday greetings to our respected friend and dedicated colleague on this day; and be it further

RESOLVED, That an official copy of this resolution be prepared and presented to the Senator from Edinburg as a small token of our esteem and best wishes for many more happy and healthy years to come.

The resolution was read and was adopted.

On motion of Senator Aikin the names of the Lieutenant Governor and Senators were added to the resolution as signers thereto.

NOTICE RELATIVE TO LOCAL AND UNCONTESTED BILLS CALENDAR

February 22, 1977

Honorable William P. Hobby
President of the Senate

Sir:

Pursuant to **S.R. 32**, notice is hereby given that the Committee on Administration will not conduct a Local and Uncontested Calendar this week.

DON ADAMS, Chairman

COMMITTEE SUBSTITUTE SENATE BILL 39 ON SECOND READING

Senator Schwartz asked unanimous consent to suspend the regular order of business to take up for consideration at this time (Section 5 of Article III of the State Constitution having been suspended on February 16, 1977):

C.S.S.B. 39, Creating the Texas Adult Probation Commission and providing for its powers and duties; amending Code of Criminal Procedure, 1965, as amended, by adding Article 42.121, amending Section 10, Article 42.12 of the Code of Criminal Procedure 1965, as amended.

There was objection.

Senator Schwartz then moved to suspend the regular order of business and Section 5 of Article III of the State Constitution and take up **C.S.S.B. 39** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Creighton, Harris, McKnight.

Absent: Ogg.

Absent-excused: Clower, Moore.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

Question - Shall the bill be passed to engrossment?

Senator Mengden offered the following amendment to the bill:

Amend **C.S.S.B. No. 39** by adding a new section following quoted Section 2.07 (on page 2) to read as follows:

"Section 2.08. **EXPIRATION.** Unless continued by law, the commission is abolished and this article expires effective September 1, 1987."

The amendment was read and was adopted.

On motion of Senator Schwartz and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTE

Senator Creighton asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 39 ON THIRD READING

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 39** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Creighton, Harris, McKnight.

Absent-excused: Clower, Moore.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Creighton, Hance, Harris, and McKnight asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 535 ON SECOND READING

On motion of Senator Creighton for Senator Moore and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 535, Relating to certain definitions, license and disclosure requirements, and prohibitions established by the Texas Motor Vehicle Commission Code; amending Subdivision (8), Section 1.03, Subsection (d), Section 4.02, Subsection (c), Section 4.03, Subsection (c), Section 4.06, and Subdivision (9), Section 5.02, Chapter 51, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 4413(36), Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time.

Senator Creighton for Senator Moore offered the following committee amendment to the bill:

Amend Senate Bill 535 by striking all of Sec. 2 of the bill, and substituting the following:

"Sec. 2. Subsection (d), Section 4.02, Chapter 51, Acts of the 62nd Legislature, Regular Session, 1971 (Article 4413(36), Vernon's Texas Civil Statutes), is amended to read as follows:

'(d) A dealer licensed hereunder shall promptly notify the Commission of a change in ownership, location or franchise of a dealer, or any other matters the Commission may require by rule. Prior to a change in location of a ~~[If a dealer changes location of all or any part of his]~~ dealership ~~[to another municipality]~~, a new license must be applied for as in any original application.'"

The committee amendment was read and was adopted.

On motion of Senator Creighton for Senator Moore and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 535 ON THIRD READING

Senator Creighton for Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 535 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Santiesteban.

Absent-excused: Clower, Moore.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Clower, Moore.

SENATE BILL 97 ON SECOND READING

On motion of Senator Adams and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 97, A bill to be entitled An Act relating to the Senate sitting as a court of impeachment; amending Article 5963, Revised Civil Statutes of Texas, 1925.

The bill was read second time and was passed to engrossment.

SENATE BILL 97 ON THIRD READING

Senator Adams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 97 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Clower, Moore.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

MOTION TO PLACE SENATE BILL 412 ON SECOND READING

Senator Harris asked unanimous consent to suspend the regular order of business and Section 5 of Article III of the State Constitution to take up for consideration at this time:

S.B. 412, Relating to the operation of vehicles used to transport ready-mixed concrete; amending Chapter 293, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 6701d-12, Vernon's Texas Civil Statutes).

There was objection.

Senator Harris then moved to suspend the regular order of business and Section 5 of Article III of the State Constitution and take up **S.B. 412** for consideration at this time.

The motion was lost by the following vote (Not receiving four-fifths vote of the Members of the Senate): Yeas 24, Nays 5.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Ogg, Parker, Santiesteban, Snelson, Traeger, Williams.

Nays: Mauzy, Patman, Schwartz, Sherman, Truan.

Absent-excused: Clower, Moore.

SENATE BILL 353 ON SECOND READING

Senator Mauzy asked unanimous consent to suspend the regular order of business and Section 5 of Article III of the State Constitution to take up for consideration at this time:

S.B. 353, Relating to the election of members of the governing board of certain countywide community college districts from single-member trustee districts and to the dates and manner of conducting the elections; amending Chapter 130, Texas Education Code, by adding Section 130.0821; and declaring an emergency.

There was objection.

Senator Mauzy then moved to suspend the regular order of business and Section 5 of Article III of the State Constitution and take up **S.B. 353** for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Treager, Truan, Williams.

Nays: Jones of Taylor.

Absent: Mengden.

Absent-excused: Clower, Moore.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

SENATE BILL 353 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 353** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Jones of Taylor.

Absent: Mengden.

Absent-excused: Clower, Moore.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Jones of Taylor, Ogg.

Absent-excused: Clower, Moore.

SENATE BILL 250 WITH HOUSE AMENDMENTS

Senator Aikin called **S.B. 250** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment No. 1

Amend **S.B. 250** by adding the following sentence at the end of the quoted Subsection (4) in Section 1 of the bill:

Nothing in this subsection shall be so construed as to allow a non-resident to pay resident tuition except at institutions covered by Section 54.060 of this code.

Committee Amendment No. 2

Amend **S.B. 250** by inserting the following between the words "shall" and "pay" on line 4, page 2:

"first register at the institution having the lower minimum tuition and shall"

Floor Amendment No. 1

Amend **S.B. 250** by striking line 8, page 2 and substituting the following:

tuition charge at the first institution, but in no case shall the student pay to the second institution less than the hourly rates as provided in this code.

The amendments were read.

Senator Aikin moved to concur in the House amendments.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Clower, Moore.

MEMORIAL RESOLUTIONS

S.R. 237 - by Snelson: Memorial resolution for Mrs. Agnes Fitzsimmons.

S.R. 238 - by Snelson: Memorial resolution for Dr. Vern B. Spiva, Jr.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 230 - by Doggett: Extending welcome to Fifth Grade from Redeemer Lutheran Church School.

S.R. 234 - by Doggett: Extending welcome to Reverend Don Duval.

S.R. 235 - by Adams: Extending congratulations to Forrest M. "Polly" Archer.

ADJOURNMENT

On motion of Senator Aikin the Senate at 11:45 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

TWENTY-FOURTH DAY
(Wednesday, February 23, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Absent-excused: Moore.

A quorum was announced present.

The Reverend Jerry Tompkins, Vice President, Austin Presbyterian Theological Seminary, offered the invocation as follows:

O God under whose grace this state came into being, We give thanks for Thy providence that has brought us to this new day filled with opportunity for new beginnings.

Deliver us, we pray Thee, from the tyranny of trifles. May we give our best thought and attention to what is important, that we may accomplish something worthwhile. Teach us to listen to Thee and each other, and thus save us from floundering in indecision that wastes time, subtracts from our peace, divides our efficiency and multiplies our troubles.

Through Jesus Christ our Lord. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Moore was granted leave of absence for today on account of illness on motion of Senator Creighton.

REPORTS OF STANDING COMMITTEES

Senator Adams submitted the following report for the Committee on Administration: